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ABSTRACT

Perspectives on state oversight in postsecondary education are considered. It is suggested that sufficient disclosures have been made to indicate that at least in recent years with the increased funding provided at the postsecondary level by government there has been enough fraudulence to warrant concern. The problem is to develop adequate oversight to keep fraudulence at a minimum without creating an undue burden on colleges and universities and without establishing a cumbersome bureaucratic structure for either public or private sectors of the economy. There has been difficulty in obtaining sufficient consensus among federal and state governments, educational institutions, and accrediting agencies to enact appropriate legislation and provide funds to deal with the problem of fraudulence. It is proposed that any expansion of external oversight of postsecondary education should not be limited to any one type of institution, and that strategies should involve both broad discretion and more specific standards. Although much attention has been directed to triad or tripartite relationships in accreditation among federal agencies, state agencies, and nongovernmental organizations, there is also a balance of powers between the private and public sectors. Based on the assumption that government will better represent the interests of all people than will the private sector, there has been a trend toward greater strength for the public sector. (SW)

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SOME RANDOM OBSERVATIONS ON
"A STUDY OF STATE OVERSIGHT IN POSTSECONDARY EDUCATION"

U.S. DEPARTMENT OF EDUCATION
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Some Random Observations on

"A Study of State Oversight in Postsecondary Education"

William K. Selden - Princeton, New Jersey

(Prepared for presentation at the seminar sponsored by the U. S. Office of Education and the Education Commission of the States in Colorado Springs, Colorado - July 12, 1978)

As I read the final technical report of "A Study of State Oversight in Postsecondary Education" I was impressed that the issues identified were so similar to those which were discussed at a conference in Washington in which I was involved nearly a quarter of a century ago. The Council of State Governments had prepared the draft of model legislation to be suggested to the states for adoption in order that they might more adequately be able to enforce oversight of postsecondary educational institutions. As now it was then recognized that most of the states needed not only stronger laws and regulations but increased funding and personnel to perform adequately what was perceived as need for protection of the public.

More than twenty years later we are attending another conference to face the same issues and to explore ways by which we may again try to do what we have so far been unable to accomplish except in a small percentage of the states. For the past few years I have been engaged in other pursuits and have not been directly or intimately involved in the issues with which most of the participants at this conference encounter on a daily basis. In view of this fact it is best that I limit myself to a few random observations of a broad nature and present these merely to initiate discussion at this seminar.

The Issue - The issue is simple. Homo sapiens being what it is, there are always some of us who will endeavor to obtain for ourselves as much as we can in return for giving as little as possible even if it requires deception, deceit or fraud to enhance our personal gain. Fortunately this human weakness is submerged in most people. However, it is found among individuals in all endeavors, including education at the postsecondary level.

The fraudulant, the inadequate, the markedly inferior educational institutions are not a creation of recent years. They

have always existed. In fact, their presence is one of the reasoms for the creation of the non-governmental accrediting agencies that undertake institutional and programatic reviews, some of which had their origins in the past century.

What is of immediate concern is the present dimension of the issue and the importance that postsecondary education has for the continued well being of our society. The report to which we are addressing ouselves indicates that "over 8,300 postsecondary institutions are currently recognized as eligible for participation in the Guaranteed Student Loan Program, which is the largest of the five USOE-administered programs" identified in the document. Even if the percentage of the institutions, which can justifiably be accused of malpractice in advertising, recruiting, financial refunds, or making false promises, is small, the absolute number can be significant because of the large total of postsecondary institutions. In other words, the dimension of the issue is now greater in absolute terms than it was twenty-five years ago.

Furthermore, for an increasing number of occupations postsecondary education is a necessity and the functioning of our society is dependent on qualified persons filling many of these occupational positions. Consequently, education has grown increasingly important to our economy and our society in which fraudulance can be an undermining influence to our total welfare.

For these reasons, as well as for the protection of the individuals in our society, we and our government are concerned with the identification and development of the means by which we may -- not necessarily totally eliminate, even though that would be ideally desirable -- but so reduce fraudulance in postsecondary education that society does not unduly suffer and that comparatively few individuals can be harmed. Sufficient disclosures have been made to indiciate that at least in recent years with the increased funding provided at the postsecondary level by government there has been such fraudulance to recognize that our society is being excessively injured.

The Problem - The problem is not as simple as the issue. The problem is to develop an appropriate means of exercising adequate oversight for postsecondary education so that fraudulance will be

reduced and remain at a minimum and so accomplish this goal without establishing an undue burden on all educational institutions and without creating a bureaucratic structure that will be an excessive burden on either the public or private sectors of our economy.

The problem exists because of our political heritage and form of government both of which have produced and continue to support innumerable benefits for mankind. However, in the identification and eradication of fraudulance in postsecondary education we do face a problem that is not easily resolved.

Because our Federal Constitution indirectly delegates the responsibility for education to the several states, and because the Federal Government has in recent years provided large funding for various aspects and elements of postsecondary education, and because we have developed and relied extensively on non-governmental agencies to accredit and approve educational institutions, we have a tripartite hegemony in the oversight of educational institutions. Despite avowed disapproval by all of fraudulance in education it has been difficult to obtain sufficient consensus among officials of federal and state governments and of educational institutions and accrediting agencies to develop and adopt legislation and provide subsequent financial support and personnel to accomplish the goal that most all of us at this seminar perceive to be needed.

Although we are not certain that it is the case, let us proceed on the assumption that the time has arrived when it will be possible to take major steps leading to eradication of much of the fraudulance that does now exist in postsecondary education. To assist in these endeavors I offer the following random observations.

Types of Institutions Requiring External Oversight - In the studies and reports that I have read, attention has been called primarily to examples of fraudulance in non-degree, vocational programs offered for profit. It is possible that a higher incidence of deception and deceit may exist in this type of institution. On the other hand, I submit that without too much probing examples of misrepresentation can be found in both private and public institutions, as well as in degree granting and non-degree granting, in one year, two-year, and four-year colleges.

After an extended period of continually expanding enrollments in postsecondary education we are now entering an anticipated time of long duration with a receeding college population. This era will stimulate aggressive competition for students on the part of institutions of all types. Witness the current recognition of the desirability to provide education for older persons and the expansion of programs in continuing education, now being so widely endorsed by most of the professions. Let us recognize that economic motives are present as philosophical reasons for such changes in attitudes are endorsed.

My purpose in mentioning these developments is to support the principle that any expansion of external oversight of post-secondary education should be similar for all education and not limited to any one type of institution. Although the extent of fraudulance may vary among types it is regretfully present in all types.

Broad Discretion Strategy vs. Detailed Standards Strategy -

The report that serves as the focal point of this conference identifies a century old issue of the non-governmental accrediting agencies. When accreditation was initiated it was necessary to provide specific definitions for a college. This the regional or institutional accrediting associations attempted to do with their detailed requirements which in large measure provided merely a check list. In a similar manner the professional or specialized agencies accomplished the same purpose by relying on detailed and specific standards as to physical facilities, hours of instruction, qualifications of faculty, laboratory procedures, library collections, and so on.

As time passed and as educators, in whatever field, began to develop a consensus as to the necessary ingredients for a good educational institution or program of study, they expressed unease with detailed specifications. Hundreds of thousands of manhours and of dollars have been expended in attempts to devise standards that are broad in scope and at the same time sufficiently specific to be constructively employed in the accrediting review process. At the same time that it is necessary both to permit some flexibility and variability in education it is also necessary to have a scale of values in order that an institution or program may be

evaluated as to its quality. Without the latter accreditation is meaningless.

Standards for accreditation are in flux; they always will be; and they always should be. If they are not education will be stultified and dormant.

In this respect I am concerned that there may be too much support for the detailed standards strategy especially when implemented by officials of government agencies. Government requirements cannot and should not be subject to rapid change. If they are detailed and immediately specific we run the serious risk of imposing outmoded and oppressive standards. On the other hand, if we support the approach of broad discretion by government officials in educational oversight responsibilities we will encourage conditions in which compliance in many situations will be based upon personal opinion and whim.

The answer to this dilemma must include a measure of each ingredient: broad discretion and more specific standards. The discussions at this conference could be significant in prescribing a solution, at least for the immediate future.

Tripartite Structure - In this same report on "State Oversight in Postsecondary Education" a statement was presented to the effect that state agencies can provide closer surveillance and oversight and also react more quickly than nongovernmental accrediting agencies. I will not argue for or against this specific claim but I do call your attention to the question whether we should consider only immediate consequences or whether they should be considered within the context of possible long term developments. I am indicating that our immediate worry about fraudulance in postsecondary education, which I totally condemn, should not absorb our entire attention to such an extent that we overlook the long term conseuqences of recommendations that may emanate from these sessions.

I will expand on this approach by referring to what was identified a few years ago as the triad or tripartite relationships in accreditation among agencies of the Federal Government, agencies of the many states, and the non-governmental organizations. This triad relationship provides an easily identified and visualized description but from my point of view is insufficient and deceptifully misleading. Let me explain.

One of the pillars of the political philosophy on which this nation has been based is the principle of balance of forces. Recognition of this principle was incorporated in the United States Constitution with the three branches of government: executive, judicial, and legislative. It was also incorporated in our federal form of government with certain powers delegated to the central or federal government, and the others reserved to the many states which in turn have powers reserved to their subdivisions whether they be counties, towns, parishes, or cities. The states also have their respective three branches of government.

In addition to these balancesof powers we also have the private sector in contrast to the governmental sector. The history of this nation, in fact of all nations to varying extents, record the ebb and flow of relative influence and strengths between what we now call the public sector in contrast to the private sector.

During most of the lifetimes of those present at this conference there has been a momentum toward greater strength for the public sector based largely on the assumption that government will better represent the interests of all people than will the private sector with its various intrenched and powerful segments. This movement toward greater power to government versus the private sector is also stimulated by developments in other nations where this tendency is well advanced and also by the pressures of economic, political, and military competition with the more autocratic and centralized governments of eastern Europe.

We are now witnessing the frustrations of millions of people who feel boxed by inflation, slowing economic growth, unrequited aspirations, expanding taxes, and growing government intended to provide services for which the people themselves have not accepted realistic limitations. These frustrations are being manifest in a brutally blunt manner as expressed in the recent California election. This election will undoubtedly stimulate a response throughout the country and should encourage us at this seminar to reflect and endeavor to resolve what for the forseeable future should be a proper balance among the various agencies, both private and public, that are and should be concerned with external oversight of postsecondary education.

I contend that the balance of powers is not sufficiently indicated by the term triad or tripartite relationship. Under current conditions the accrediting agencies of the private sector are one element, and should continue to be a vital element in the identification of quality in education. In this respect they may be idetified as one side of the triad with the Federal Government serving as the second side and the states as the third side of the triad. On the other hand, I beseech you to review the issues assigned to this seminar in the light of the appropriate balance of powers or forces in our body politic and embody that philosophy on which this nation was founded and which, I insist, - even with all of our abberations in governmental operations - has been the basis for this great nation, a nation that is capable of further revision and adaption for the total welfare of its citizens.

It should be recognized that, as with the private sector, government has its entrenched and powerful segments which strive to perpetuate themselves and their own interests. These interests are not always consonant with the broad public well being.

If we will consider the issue confronting this seminar within this broader context we will undoubtedly enjoy stimulating explorations, and we hope will reach constructive conclusions.

July 5, 1978

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